

1 AN ACT relating to deeds to real property.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 31 of this Act:*

6 *(1) "Acknowledgment" means a declaration by an individual before a notarial*
7 *officer that the individual has signed a record for the purpose stated in the record*
8 *and, if the record is signed in a representative capacity, that the individual signed*
9 *the record with proper authority and signed it as the act of the individual or entity*
10 *identified in the record;*

11 *(2) "Acknowledged before me" or "appears before me" means being in:*

12 *(a) The same physical location as another individual person and close enough*
13 *to see, hear, communicate with, and exchange credentials with that person;*
14 *or*

15 *(b) A different physical location from another person but able to see, hear, and*
16 *communicate with that person by means of communication technology;*

17 *(3) "Communication technology" means an electronic device or process that allows*
18 *an individual and an online notary public to communicate with each other*
19 *simultaneously by sight and sound;*

20 *(4) "Credential" means a nonexpired record issued by a government which bears an*
21 *individual's photo and which evidences an individual's identity;*

22 *(5) "Credential analysis" means a process or service that meets the standards*
23 *adopted under subsection (7) of Section 12 and Section 24 of this Act by which a*
24 *third person provides confidence as to the validity of a government-issued*
25 *identification credential through review of public and proprietary data sources;*

26 *(6) "Dynamic knowledge-based authentication assessment" means an identity*
27 *assessment that is based on a set of questions formulated from public or private*

1 data sources for which the signer of an electronic record has not provided a prior
2 answer;

3 (7) "Electronic" means relating to technology having electrical, digital, magnetic,
4 wireless, optical, electromagnetic, or similar capabilities;

5 (8) "Electronic signature" means an electronic symbol, sound, or process attached to
6 or logically associated with a record and executed or adopted by an individual
7 with the intent to sign the record;

8 (9) "Identity proofing" means, in the use of communications technology, a process
9 or service that meets standards adopted under subsection (7) of Section 12 and
10 Section 24 of this Act by which a third person provides confidence as to the
11 identity of an individual through review of personal information from public or
12 proprietary data sources;

13 (10) "In a representative capacity" means acting as:

14 (a) An authorized officer, agent, partner, trustee, or other representative for a
15 person other than an individual;

16 (b) A public officer, personal representative, guardian, or other representative,
17 in the capacity stated in a record;

18 (c) An agent or attorney-in-fact for a principal; or

19 (d) An authorized representative of another in any other capacity;

20 (11) "Notarial act" means an act, whether performed with respect to a tangible or
21 electronic record, that a notarial officer may perform under Section 3 of this Act
22 and any other law of the Commonwealth;

23 (12) "Notarial officer" means a notary public or other individual authorized to
24 perform a notarial act;

25 (13) "Notary public" means an individual commissioned to perform a notarial act by
26 the Secretary of State. This term does not include other notarial officers who may
27 perform a notarial act in this state;

- 1 (14) "Official stamp" means a physical image affixed to or embossed on a tangible
2 record or an electronic image attached to or logically associated with an
3 electronic record, including an official notary seal;
- 4 (15) "Online notarization" means a notarial act performed with respect to an
5 electronic record by means of communication technology that meets the
6 standards adopted under subsection (7) of Section 12 and Section 24 of this Act;
- 7 (16) "Online notary public" means a notary public who has registered with the
8 Secretary of State, pursuant to any standards and rules adopted under Sections
9 19 and 24 of this Act, to perform online notarizations under Sections 1 to 31 of
10 this Act;
- 11 (17) "Outside the United States" means a location outside of the geographic
12 boundaries of the United States, Puerto Rico, the United States Virgin Islands,
13 and any territory, insular possession, or other location subject to the jurisdiction
14 of the United States;
- 15 (18) "Person" means an individual, corporation, business trust, statutory trust, estate,
16 trust, partnership, limited liability company, association, joint venture, public
17 corporation, government or governmental subdivision, agency, or
18 instrumentality, or any other legal or commercial entity;
- 19 (19) "Record" means information that is inscribed on a tangible medium or that is
20 stored in an electronic or other medium and is retrievable in perceivable form;
- 21 (20) "Remote presentation" means transmission to an online notary public through
22 communication technology of an image of a government-issued identification
23 credential that is of sufficient quality to enable the online notary public to
24 identify the individual seeking the online notary public's services and to perform
25 credential analysis;
- 26 (21) "Sign" means, with present intent to authenticate or adopt a record, to:
27 (a) Execute or adopt a tangible symbol; or

1 (b) Attach to or logically associate with the record an electronic symbol, sound,
 2 or process;

3 (22) "Signature" means a tangible symbol or an electronic signature that evidences
 4 the signing of a record;

5 (23) "Stamping device" means:

6 (a) A physical device capable of affixing to or embossing on a tangible record
 7 an official stamp; or

8 (b) An electronic device or process capable of attaching to or logically
 9 associating with an electronic record an official stamp;

10 (24) "State" means a state of the United States, the District of Columbia, Puerto Rico,
 11 the United States Virgin Islands, or any territory or insular possession subject to
 12 the jurisdiction of the United States; and

13 (25) "Verification on oath or affirmation" means a declaration, made by an
 14 individual on oath or affirmation before a notarial officer, that a statement in a
 15 record is true.

16 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 17 READ AS FOLLOWS:

18 Sections 1 to 31 of this Act apply to a notarial act performed on or after the effective
 19 date of this Act.

20 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 21 READ AS FOLLOWS:

22 (1) A notarial officer may perform the following notarial acts:

23 (a) Take acknowledgements;

24 (b) Administer oaths and affirmations;

25 (c) Take verifications of statements on oath or affirmation;

26 (d) Certify that a copy of any document, other than a document is recorded or
 27 in the custody of any federal, state, or local governmental agency, office, or

- 1 *court, is a true copy;*
- 2 *(e) Certify depositions of witnesses;*
- 3 *(f) Make or note a protest of a negotiable instrument;*
- 4 *(g) Witness or attest signatures; and*
- 5 *(h) Perform any notarial act authorized by a law of the Commonwealth other*
- 6 *than Sections 1 to 31 of this Act.*
- 7 *(2) A notary public may perform any of the notarial acts listed in subsection (1) of*
- 8 *this section with respect to tangible records and electronic records.*
- 9 *(3) Upon registration with the Secretary of State, an online notary may perform any*
- 10 *of the notarial acts listed in subsection (1) of this section as an online*
- 11 *notarization.*
- 12 *(4) A notarial officer may not perform a notarial act with respect to a record to*
- 13 *which the notarial officer or the notarial officer's spouse or other member of the*
- 14 *notarial officer's immediate family is a party, or in which any of those individuals*
- 15 *has a direct beneficial interest. A notarial act performed in violation of this*
- 16 *subsection is voidable.*

17 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO

18 READ AS FOLLOWS:

19 *A notarial officer who takes an acknowledgment of a record, takes a verification of a*

20 *statement on oath or affirmation, or witnesses or attests to a signature, shall determine,*

21 *from personal knowledge or satisfactory evidence of the identity of the individual, that*

22 *the individual appearing before the notarial officer has the identity claimed and that*

23 *the signature on the record is the signature of the individual.*

24 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO

25 READ AS FOLLOWS:

26 *If a notarial act relates to a statement made in or a signature executed on a record, the*

27 *individual making the statement or executing the signature shall appear personally*

1 before the notarial officer.

2 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) A notarial officer has personal knowledge of the identity of an individual
5 appearing before the officer if the individual is personally known to the officer
6 through dealings sufficient to provide reasonable certainty that the individual has
7 the identity claimed.

8 (2) A notarial officer has satisfactory evidence of the identity of an individual
9 appearing before the officer if the officer can identify the individual by means of
10 one (1) of the following credentials:

11 (a) A nonexpired passport, driver's license, or government-issued identification
12 card;

13 (b) Another current form of government identification issued to an individual,
14 which contains the signature and a photograph of the individual, and is
15 satisfactory to the notarial officer; or

16 (b) Verification on oath or affirmation of a credible witness personally
17 appearing before the notarial officer and known to the notarial officer or
18 whom the notarial officer can identify on the basis of a current passport,
19 driver's license, or government-issued identification card.

20 (3) Notwithstanding subsection (2) of this section, in performing an online
21 notarization, an online notary public has satisfactory evidence of the identity of
22 an individual appearing before the online notary public if the online notary
23 public can identify the individual through the use of communication technology
24 that meets the requirements of this section and the administrative regulations
25 promulgated by the Secretary of State under subsection (7) of Section 12 and
26 Section 24 of this Act, and by the following:

27 (a) The online notary public's personal knowledge of the individual; or

1 (b) Each of the following:

- 2 1. Remote presentation by the individual of a government-issued
 3 identification credential specified in this section that contains the
 4 signature and photograph of the individual;
 5 2. Credential analysis of the identification credential described by
 6 subparagraph 1. of this paragraph; and
 7 3. Identity proofing of the individual, which may include a dynamic
 8 knowledge-based authentication assessment; or

9 (c) A valid public key certificate that complies with the administrative
 10 regulations promulgated by the Secretary of State pursuant to Section 24 of
 11 this Act.

12 (4) A notarial officer may require an individual to provide additional information or
 13 identification credentials necessary to assure the notarial officer of the identity of
 14 the individual.

15 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 16 READ AS FOLLOWS:

17 (1) A notarial officer may refuse to perform a notarial act if the officer is not
 18 satisfied that:

- 19 (a) The individual executing the record is competent or has the capacity to
 20 execute the record; or
 21 (b) The individual's signature is knowingly and voluntarily made.

22 (2) A notarial officer may refuse to perform a notarial act unless refusal is
 23 prohibited by law other than Sections 1 to 31 of this Act.

24 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 25 READ AS FOLLOWS:

26 If an individual is physically unable to sign a record, the individual may direct another
 27 individual, other than the notarial officer, to sign the individual's name on the record

1 by proxy, in the presence of two (2) witnesses unaffected by the record, one (1) of
 2 whom may be the individual who signs, by proxy, on behalf of the individual physically
 3 unable to sign. Both witnesses shall sign their own names beside the proxy signature,
 4 and the notarial officer shall insert "Signature affixed by (name of proxy signer) at the
 5 direction of (name of individual) and in the presence of (names and addresses of the
 6 two witnesses)" or words of similar import.

7 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 8 READ AS FOLLOWS:

9 (1) A notarial act may be performed in this state by:

10 (a) A notary public of this state;

11 (b) A county clerk of this state; or

12 (c) Any other individual authorized to perform the specific act by the Kentucky
 13 Revised Statutes.

14 (2) The signature and title of an individual performing a notarial act in this state are
 15 prima facie evidence that the signature is genuine and that the individual holds
 16 the designated title.

17 (3) The signature and title of a notarial officer described in this section conclusively
 18 establishes the authority of the notarial officer to perform the notarial act.

19 (4) A county clerk shall have the powers of a notarial officer in the exercise of the
 20 official functions of the office of clerk within his or her county, and the official
 21 actions of the county clerk shall not require the witness or signature of a notary
 22 public.

23 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 24 READ AS FOLLOWS:

25 (1) (a) A notarial act performed in another state has the same effect under the law
 26 of this state as if performed by a notarial officer of this state, if the act
 27 performed in that state is performed by:

- 1 1. A notary public of that state;
2 2. A judge, clerk, or deputy clerk of a court of that state; or
3 3. Any other individual authorized by the law of that state to perform the
4 notarial act.
- 5 (b) The signature and title of an individual performing a notarial act in
6 another state are prima facie evidence that the signature is genuine and that
7 the individual holds the designated title.
- 8 (c) The signature and title of a notarial officer described in paragraph (a) or
9 (b) of this subsection conclusively establish the authority of the officer to
10 perform the notarial act.
- 11 (2) (a) A notarial act performed under the authority and in the jurisdiction of a
12 federal recognized Indian tribe has the same effect as if performed by a
13 notarial officer of this state, if the act performed in the jurisdiction of the
14 tribe is performed by:
- 15 1. A notary public of the tribe;
16 2. A judge, clerk, or deputy clerk of a court of the tribe; or
17 3. Any other individual authorized by the law of the tribe to perform the
18 notarial act.
- 19 (b) The signature and title of an individual performing a notarial act under the
20 authority and in the jurisdiction of a federally recognized Indian tribe are
21 prima facie evidence that the signature is genuine and that the individual
22 holds the designated title.
- 23 (c) The signature and title of a notarial officer described in paragraph (a) or
24 (b) of this subsection conclusively establish the authority of the notarial
25 officer to perform the notarial act.
- 26 (3) (a) A notarial act performed under the authority of federal law has the same
27 effect under the law of this state as if performed by a notarial officer of this

1 state, if the act performed under federal law is performed by:

2 1. A judge, clerk, or deputy clerk of a court;

3 2. An individual in military service or performing duties under the
4 authority of military service who is authorized to perform notarial acts
5 under federal law;

6 3. An individual designated a notarizing officer by the United States
7 Department of State for performing notarial acts overseas; or

8 4. Any other individual authorized by federal law to perform the notarial
9 act.

10 (b) The signature and title of an individual acting under federal authority and
11 performing a notarial act are prima facie evidence that the signature is
12 genuine and that the individual holds the designated title.

13 (c) The signature and title of an officer described in paragraph (a) or (b) of this
14 subsection conclusively establish the authority of the officer to perform the
15 notarial act.

16 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
17 READ AS FOLLOWS:

18 (1) In this section, "foreign state" means a government other than the United States,
19 a state, or a federally recognized Indian tribe.

20 (2) If a notarial act is performed under the authority and in the jurisdiction of a
21 foreign state or constituent unit of the foreign state or is performed under the
22 authority of a multinational or international governmental organization, the act
23 has the same effect under the law of this state as if performed by a notarial
24 officer of this state.

25 (3) If the title of office and indication of authority to perform notarial acts in a
26 foreign state appears in a digest of foreign law or in a list customarily used as a
27 source for that information, the authority of an officer with that title to perform

1 notarial acts is conclusively established.

2 (4) The signature and official stamp of an individual holding an office described in
 3 subsection (3) of this section are prima facie evidence that the signature is
 4 genuine and the individual holds the designated title.

5 (5) An apostille in the form prescribed by the Hague Convention of October 5, 1961,
 6 and issued by a foreign state party to the Convention conclusively establishes that
 7 the signature of the notarial officer is genuine and that the officer holds the
 8 indicated office.

9 (6) A consular authentication issued by an individual designated by the United States
 10 Department of State as a notarizing officer for performing notarial acts overseas
 11 and attached to the record with respect to which the notarial act is performed
 12 conclusively establishes that the signature of the notarial officer is genuine and
 13 that the officer holds the indicated office.

14 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 15 READ AS FOLLOWS:

16 (1) An online notary public:

17 (a) Shall be commissioned as a notary public pursuant to Sections 1 to 31 of
 18 this Act and has the powers and duties of a traditional notary public as
 19 provided by Sections 1 to 31 of this Act;

20 (b) May perform notarial acts as provided by Sections 1 to 31 of this Act in
 21 addition to performing online notarizations; and

22 (c) May, upon registration with the Secretary of State as an online notary
 23 public pursuant to Section 19 of this Act, perform online notarizations
 24 authorized under this section.

25 (2) An online notary public may perform an online notarization provided the online
 26 notary public is physically located in this state while performing the notarial act
 27 and if:

- 1 (a) The online notary public has:
- 2 1. Personal knowledge of the identity of the individual pursuant to
- 3 Section 6 of this Act; or
- 4 2. Satisfactory evidence of the identity of the individual pursuant to
- 5 subsection (3) of Section 6 of this Act; and
- 6 (b) At the time of online notarization:
- 7 1. The individual appearing before the online notary public is located
- 8 within this state, or elsewhere within the geographic boundaries of a
- 9 state of the United States; or
- 10 2. The individual is located outside the United States and:
- 11 a. The individual confirms to the online notary public that the
- 12 record is to be filed with or relates to a matter before a court,
- 13 governmental entity, public official, or other entity located in the
- 14 territorial jurisdiction of the United States, or relates to property
- 15 located in the United States, or relates to a transaction
- 16 substantially connected to the United States; and
- 17 b. To the online notary public's actual knowledge, the act of
- 18 making the statement or signing the record is not prohibited by
- 19 the jurisdiction in which the individual is located.
- 20 (3) In addition to the authority of a notary public to refuse to perform a notarial act
- 21 pursuant to Section 7 of this Act, a notary public may refuse to perform a
- 22 notarial act under this section if the notary public is not satisfied that a notarial
- 23 act performed would conform with subsection (2)(b)2. of this section.
- 24 (4) If a notarial act involves a statement made in or a signature executed on an
- 25 electronic record by an individual by means of communication technology, the
- 26 certificate of notarial act required by Section 13 of this Act shall indicate that the
- 27 individual making the statement or signing the record appeared before the online

1 notary public by means of communication technology.

2 (5) For each online notarization, the online notary public shall:

3 (a) Include, in addition to the journal entries required under Section 17 of this
4 Act, an indication of whether an individual making a statement or
5 executing a signature which is the subject of the notarial act appeared
6 before the online notary public in the notary's physical presence or by
7 means of communication technology;

8 (b) Create a complete recording of the conference session containing the audio-
9 video communication between the online notary public and individual
10 appearing before the online notary public, in accordance with the standards
11 adopted under subsection (7) of Section 12 and Section 24 of this Act; and

12 (c) Maintain the recording described by paragraph (b) of this subsection for at
13 least ten (10) years after the date of the applicable transaction or proceeding
14 or for the period of retention of a notary public's journal pursuant to
15 Section 17 of this Act, whichever is longer.

16 (6) Before an online notary public performs any online notarizations under this
17 section, the online notary public shall register with the Secretary of State
18 pursuant to Section 19 of this Act.

19 (7) The Secretary of State may promulgate administrative regulations regarding the
20 performance of online notarizations. The administrative regulations may:

21 (a) Prescribe the means of performing a notarial act involving communication
22 technology;

23 (b) Establish standards for communication technology and the process of
24 credential analysis and identity proofing;

25 (c) Establish procedures for the approval of providers of communication
26 technology; and

27 (d) Establish standards and requirements for the retention of a video and audio

1 copy of the performance of a notarial act.

2 (8) Regardless of the physical location of the individual at the time of the notarial
3 act, the validity of an online notarization performed by an online notary public
4 commissioned in this state shall be determined by applying the laws of this state.

5 (9) An online notary public shall take reasonable steps to ensure that:

6 (a) Any registered device or credential used to create an electronic signature is
7 current and has not been revoked or terminated by the device's or
8 credential's issuing or registering authority;

9 (b) The audio-video communication used in an online notarization is secure
10 from unauthorized interception or use;

11 (c) A backup exists for all information pertaining to an online notarization
12 required to be kept by administrative regulations promulgated pursuant to
13 subsection (7) of this section and Section 24 of this Act; and

14 (d) The backup described by paragraph (c) of this subsection is secure from
15 unauthorized use.

16 ➔SECTION 13. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
17 READ AS FOLLOWS:

18 (1) A notarial act shall be evidenced by a certificate. The certificate shall:

19 (a) Be executed contemporaneously with the performance of the notarial act;

20 (b) Be signed and dated by the notarial officer and, if the notarial officer is a
21 notary public, be signed in the same manner as on file with the Secretary of
22 State;

23 (c) Identify the jurisdiction in which the notarial act is performed;

24 (d) Contain the title of office of the notarial officer; and

25 (e) If the notarial officer is a notary public, indicate the commission number
26 and date of expiration, if there is an expiration date, of the officer's
27 commission.

- 1 (2) If a notarial act is performed regarding a tangible record by a notarial officer,
2 including a notary public, the certificate shall contain the information specified
3 in paragraphs (b), (c), and (d) of subsection (1) of this section, along with the
4 additional information in paragraph (e) of subsection (1) of this section, if the
5 certificate is completed by a notary public. An official stamp may be affixed to or
6 embossed on the certificate. If a notarial act regarding an electronic record is
7 performed by a notarial officer, the certificate shall contain the information
8 specified in paragraphs (b), (c), and (d) of subsection (1) of this section, along
9 with the additional information in paragraph (e) of subsection (1) of this section
10 if the certificate is completed by a notary public. An official stamp may be
11 attached to or logically associated with the certificate.
- 12 (3) A certificate of a notarial act is sufficient if it meets the requirements of
13 subsections (1) and (2) of this section and:
- 14 (a) Is in a short form set forth in Section 14 of this Act;
15 (b) Is in a form otherwise permitted by the laws of this state;
16 (c) Is in a form permitted by the law applicable in the jurisdiction in which the
17 notarial act was performed; or
18 (d) Sets forth the actions of the notarial officer and the actions are sufficient to
19 meet the requirements of the notarial act as provided in Sections 1 to 31 of
20 this Act or other law of this state other than Sections 1 to 31 of this Act.
- 21 (4) By executing a certificate of a notarial act, a notarial officer certifies that the
22 officer has complied with the requirements and made the determinations
23 specified in Sections 1 to 31 of this Act.
- 24 (5) A notarial officer may not affix the officer's signature to, or logically associate it
25 with, a certificate until the notarial act has been performed.
- 26 (6) If a notarial act is performed regarding a tangible record, a certificate must be
27 part of, or securely attached to, the record. If a notarial act is performed

1 regarding an electronic record, the certificate must be affixed to, or logically
 2 associated with, the electronic record. If the Secretary of State has established
 3 standards pursuant to Section 24 of this Act for attaching, affixing, or logically
 4 associating the certificate, the process must conform to the standards.

5 ➔SECTION 14. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 6 READ AS FOLLOWS:

7 The following short form certificates of notarial acts are sufficient for the purposes
 8 indicated, if completed with the information required by subsections (1) and (2) of
 9 Section 13 of this Act:

10 (1) For an acknowledgement in an individual capacity:

11 State of _____

12 [County] of _____

13 This record was acknowledged before me on _____ by _____

14 _____ Date Name(s) of individual(s)

15 _____

16 Signature of notarial officer

17 Stamp

18 [_____]

19 Title of office

20 [My commission expires: _____];

21 (2) For an acknowledgment in a representative capacity:

22 State of _____

23 [County] of _____

24 This record was acknowledged before me on _____ by _____

25 _____ Date Name(s) of individual(s)

26 as (type of authority, such as officer or trustee) of (name of party on behalf of whom
 27 record was executed).

1 _____

2 Signature of notarial officer

3 Stamp

4 [_____]

5 Title of office

6 [My commission expires: _____];

7 (3) For a verification on oath or affirmation:

8 State of _____

9 [County] of _____

10 Signed and sworn to (or affirmed) before me on _____ by _____

11 Date Name(s) of individual(s)

12 making statement

13 _____

14 Signature of notarial officer

15 Stamp

16 [_____]

17 Title of office

18 [My commission expires: _____];

19 (4) For witnessing or attesting a signature:

20 State of _____

21 [County] of _____

22 Signed [or attested] before me on _____ by _____

23 Date Name(s) of individual(s)

24 _____

25 Signature of notarial officer

26 Stamp

27 [_____]

1 Title of office

2 [My commission expires: _____]; and

3 (5) For notarial acts performed with regard to an individual who appeared before an
 4 online notary public by means of communication technology, the foregoing
 5 certificate forms may be used, with the addition of a notation that the individual
 6 appeared before the notary public by means of communication technology.

7 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 8 READ AS FOLLOWS:

9 A notary public is not required to use a stamp. If a notary public chooses to use a
 10 stamp, the notary public shall have a single official stamp which shall:

11 (1) Include the notary public's name, title, jurisdiction, commission number, and
 12 expiration date; and

13 (2) Be capable of being copied together with the record to which it is affixed or
 14 attached or with which it is logically associated.

15 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 16 READ AS FOLLOWS:

17 (1) A notary public is responsible for the security of the notary public's stamping
 18 device and may not allow another individual to use the device to perform a
 19 notarial act. On resignation from, or the revocation or expiration of, the notary
 20 public's commission, or on the expiration of the date set forth in the stamping
 21 device, if any, the notary public shall disable the stamping device by destroying,
 22 defacing, damaging, erasing, or securing it against use in a manner that renders
 23 it unusable. On the death or adjudication of incompetency of a notary public, the
 24 notary public's personal representative or guardian or any other person
 25 knowingly in possession of the stamping device shall render it unusable by
 26 destroying, defacing, damaging, erasing, or securing it against use in a manner
 27 that renders it unusable.

1 (2) If a notary public's stamping device is lost or stolen, the notary public or the
2 notary public's personal representative or guardian shall notify promptly the
3 Secretary of State on discovering that the device is lost or stolen.

4 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) A notary public shall maintain a journal in which the notary public chronicles all
7 notarial acts that the notary public performs. The notary public shall retain the
8 journal for ten (10) years after the performance of the last notarial act chronicled
9 in the journal.

10 (2) A journal may be created on a tangible medium or in an electronic format. A
11 notary public may maintain more than one (1) journal to chronicle notarial acts,
12 whether those notarial acts are performed regarding tangible or electronic
13 records. If the journal is maintained on a tangible medium, it shall be a
14 permanent, bound register with numbered pages. If the journal is maintained in
15 an electronic format, it shall be in a permanent, tamper-evident electronic format
16 complying with administrative regulations promulgated pursuant to Section 24 of
17 this Act.

18 (3) An entry in a journal shall be made contemporaneously with performance of the
19 notarial act and contain the following information:

20 (a) The date and time of the notarial act;

21 (b) A brief description of the record, if any, and type of notarial act as
22 authorized in Section 3 of this Act;

23 (c) The full name and address of each individual for whom the notarial act is
24 performed;

25 (d) If identity of the individual is based on personal knowledge, a statement to
26 that effect;

27 (e) If identity of the individual is based on satisfactory evidence, a brief

1 description of the method of identification and the identification and the
 2 means used as well as the date of issuance and expiration of any
 3 identification credential presented; and

4 (f) The fee, if any, charged by the notary public.

5 (4) If a notarial act involves the use of communication technology, the notary public
 6 shall retain the audio-visual recording of the performance of the notarial act in
 7 compliance with both subsection (7) of Section 12 of this Act and the
 8 administrative regulations promulgated pursuant to Section 24 of this Act.

9 (5) If a notary public's journal is lost or stolen, the notary public promptly shall
 10 notify the Secretary of State on discovering that the journal is lost or stolen.

11 (6) On resignation from, or the revocation or suspension of, a notary public's
 12 commission, the notary public shall retain the notary public's journal in
 13 accordance with subsection (1) of this section.

14 (7) On the death or adjudication of incompetency of a current or former notary
 15 public, the notary public's personal representative or guardian or any other
 16 person knowingly in possession of the journal shall transmit it to the Secretary of
 17 State or otherwise as directed in administrative regulations promulgated by the
 18 Secretary of State pursuant to Section 24 of this Act.

19 ➔SECTION 18. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 20 READ AS FOLLOWS:

21 (1) A notary public shall register with the Secretary of State pursuant to Section 19
 22 of this Act if the notary public intends to perform notarial acts:

23 (a) With respect to electronic records where the individual will appear before
 24 the notary in the notary's physical presence; or

25 (b) As an online notary public to perform online notarizations by means of
 26 communication technology.

27 (2) A notary public may select one (1) or more tamper-evident technologies to

1 perform notarial acts in the physical presence of the individual signer with
2 respect to electronic records, or to perform online notarizations. A person may
3 not require a notary public to perform any notarial act with a technology that the
4 notary public has not selected.

5 (3) If the Secretary of State has established standards respecting technology to
6 perform notarial acts in the physical presence of the individual signer with
7 respect to electronic records, or to perform online notarizations, the technology
8 chosen by the notary public shall conform to those standards.

9 ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
10 READ AS FOLLOWS:

11 (1) An individual qualified under subsection (2) of this section may apply to the
12 Secretary of State for a commission as a notary public. The applicant shall
13 comply with and provide the information required by administrative regulations
14 promulgated by the Secretary of State and be accompanied by payment of the
15 specified fee.

16 (2) An applicant for a commission as a notary public shall:

17 (a) Be at least eighteen (18) years of age;

18 (b) Be a citizen or permanent legal resident of the United States;

19 (c) Be a resident of or have a place of employment or practice in the county
20 within this Commonwealth where the application is made;

21 (d) Be able to read and write English;

22 (e) Not be disqualified to receive a commission under Section 20 of this Act;

23 (f) Submit to the Secretary of State any application forms, information,
24 disclosures, and verifications as are required by administrative regulations
25 promulgated by the Secretary of State;

26 (g) Submit to the Secretary of State proof of having obtained the requisite
27 surety bond required under subsection (4) of this section;

- 1 (h) Take an oath of office as set forth in in subsection (4) of this section; and
2 (i) Submit a fee payment, as specified in Section 27 of this Act, made payable
3 to the State Treasurer.
- 4 (3) On compliance with this section, the Secretary of State shall issue a commission
5 as a notary public to an applicant for a term of four (4) years. The Secretary of
6 State shall assign a unique commission number to each notary public, which
7 same commission number shall continue to be assigned to the notary public in
8 the event of the renewal or later issuance of another commission to the same
9 individual notary public.
- 10 (4) Within thirty (30) days of receiving a notary public commission from the
11 Secretary of State, the applicant shall appear in person before the county clerk
12 listed in the commission application to take an oath of office, submit an
13 assurance in the form of a surety bond, and file the commission, only after filing
14 the commission and assurance and taking an oath of office before the county
15 clerk. The applicant shall pay fees to the county clerk for filing the assurance and
16 administering the oath as set forth in Section 35 of this Act.
- 17 (5) The assurance required by this section shall be in the amount of one thousand
18 dollars (\$1,000) and shall be issued by a surety or other entity licensed or
19 authorized to do business in this state. The assurance shall cover acts performed
20 during the term of the notary public's commission and shall be in the form
21 prescribed by the Secretary of State. If a notary public violates the law with
22 respect to notaries public in this state, the surety or issuing entity is liable under
23 the assurance. The surety or issuing entity shall give thirty (30) days' notice to the
24 Secretary of State before canceling the assurance or of the assurance's expiration
25 if such expiration is prior to the date of expiration of the notary's commission. A
26 notary public may perform notarial acts in this state only during the period that a
27 valid assurance is on file with the county clerk.

- 1 (6) A notarial officer may perform a notarial act in any county of the
2 Commonwealth after filing the commission and assurance and taking the oath
3 required by this section, and for so long as the notary public's commission and
4 surety bond are valid and in effect.
- 5 (7) (a) If, at any time during his or her period of commission under this section, or
6 period of registration under subsection (10) of this section, a notary public
7 changes his or her mail or electronic mail address, county of residence,
8 name, signature, electronic signature, or the technology or device used to
9 perform notarial acts or to maintain his or her journal or to render
10 electronic documents tamper-evident, the notary public shall, within ten
11 (10) days after making the change, submit to the Secretary of State the
12 changed information upon the form and containing all information
13 required by the Secretary of State, along with a fee payment, as specified in
14 Section 27 of this Act, payable to the State Treasurer.
- 15 (b) If a notary public submits to the Secretary of State any changed information
16 required to be submitted under paragraph (a) of this subsection, the
17 Secretary of State shall issue an updated commission reflecting the changed
18 information. The Secretary of State shall send a copy of the updated
19 commission to the county clerk listed in the notary public's commission
20 application, and shall notify the notary public that the updated commission
21 shall be recorded with the county clerk.
- 22 (c) Upon receiving an updated commission pursuant to paragraph (b) of this
23 subsection, the county clerk shall record the updated commission and link it
24 to the surety bond filed by the notary public pursuant to subsection (4) of
25 this section.
- 26 (d) The notary public shall pay fees to the county clerk for filing the updated
27 commission as set forth in subsection (13) of Section 35 of this Act.

- 1 (8) (a) Prior to the expiration of his or her commission period, a notary public may
2 apply to the Secretary of State to renew his or her commission, and shall
3 comply with the qualifications, renewal application filings, and other
4 requirements then applicable to obtaining an original commission from the
5 Secretary of State. The application for commission renewal shall be
6 accompanied by a fee payment, as specified in Section 27 of this Act, made
7 payable to the State Treasurer.
- 8 (b) If approved, the Secretary of State shall issue a renewed commission to the
9 notary public for an additional four (4) year term, using the same
10 commission number as the notary public's original commission and
11 indicating the new commission expiration date.
- 12 (c) Pursuant to the procedures set forth in subsections (4) and (5) of this
13 section, the commission along with the required assurance must be filed
14 with the county clerk listed in the renewal application, and a new oath of
15 office administered by the county clerk and new fees paid by the notary
16 public to the county clerk, as determined by Section 35 of this Act.
- 17 (d) A renewed commission shall be valid and effective only upon compliance
18 with this subsection. A notary public shall have no authority to perform
19 notarial acts during any period between the expiration of his or her current
20 commission and the effective date of any renewal commission.
- 21 (9) A commission to act as a notary public shall authorize the notary public to
22 perform notarial acts. The commission shall not provide the notary public with
23 any immunity or benefit conferred by the law of this state on public officials or
24 employees.
- 25 (10) Before performing an initial notarial act with respect to electronic records, or
26 before performing an initial online notarial act, a notary public shall first register
27 with the Secretary of State. The notary of public shall:

- 1 (a) At the time of registration, be a commissioned notary public in this
2 Commonwealth who has complied with the requirements set forth in
3 subsections (1) to (8) of this section, and who has complied with all
4 applicable notarial requirements set forth in this chapter;
- 5 (b) Register with the Secretary of State by submitting an electronic registration
6 pursuant to this subsection;
- 7 (c) Pay to the Secretary of State a registration fee payment, as specified in
8 Section 27 of this Act, which is in addition to the commission application
9 fee required to be a notarial officer in this state and any fees required to be
10 paid to the county clerk to file a commission and assurance and to take an
11 oath pursuant to KRS 62.010;
- 12 (d) Submit to the Secretary of State any registration forms, information,
13 disclosures, and verifications required by administrative regulations
14 promulgated by the Secretary of State; and
- 15 (e) Submit to the Secretary of State with the registration proof satisfactory to
16 the Secretary of State that the registrant has satisfied the requirement to
17 post an assurance as a notary public, as set forth in subsections (4) and (5)
18 of this section.
- 19 (11) The Secretary of State shall promulgate administrative regulations to establish
20 forms and procedures applicable to the registrations governed by subsection (10)
21 of this section, and shall obtain at least the following information in connection
22 with each registration:
- 23 (a) The registrant's commission number and full legal name as it appears on
24 the registrant's commission, and the name to be used for registration, if
25 different;
- 26 (b) The county in this state in which the registrant resides or has his or her
27 place of employment or practice;

- 1 (c) The electronic mail address of the registrant;
- 2 (d) Whether the registrant is registering to perform one (1) or both of the
- 3 following:
- 4 1. Notarial acts with respect to electronic records in which the individual
- 5 will appear before the notary in the notary's physical presence; or
- 6 2. As an online notary public to perform online notarizations;
- 7 (e) A description of the technology or device that the registrant intends to use to
- 8 perform notarial acts with respect to electronic records or online
- 9 notarizations, to maintain the journal required by Section 17 of this Act,
- 10 and to render electronic records tamper-evident after a notarial act is
- 11 completed, each of which technologies or devices must comply with any
- 12 standards established by the Secretary of State;
- 13 (f) The electronic signature of the registrant; and
- 14 (g) Any other information, evidence, disclosures, or declarations required or
- 15 deemed beneficial by the Secretary of State pursuant to any administrative
- 16 regulations promulgated by the Secretary of State.
- 17 (12) The Secretary of State may reject a registration if the applicant fails to comply
- 18 with any provision of Sections 1 to 31 of this Act.
- 19 (13) Thirty (30) days after compliance with all registration requirements and payment
- 20 of the required registration fee, a notary public will be registered with the
- 21 Secretary of State to perform notarial acts in the physical presence of an
- 22 individual signer with respect to electronic records, or to perform online
- 23 notarizations as an online notary public, or as both.
- 24 (14) The Secretary of State may at any time cancel the registration of a notary public
- 25 to perform notarial acts with respect to electronic records, or as an online notary
- 26 public to perform online notarizations, if the notary public fails to comply with
- 27 any of the requirements of Sections 1 to 31 of this Act or based upon any of the

1 grounds for revocation or suspension of a notary public's commission.

2 (15) Registration of a notary public under this section is suspended by operation of
 3 law when the notary public is no longer commissioned as a notary public in this
 4 state. If the commission of a notary public has expired or been revoked or
 5 suspended, the Secretary of State shall immediately notify the notary public in
 6 writing that his or her registration under this section will be suspended by
 7 operation of law until he or she is appointed as a notary public in this
 8 Commonwealth.

9 ➔SECTION 20. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 10 READ AS FOLLOWS:

11 (1) The Secretary of State may deny, refuse to renew, revoke, suspend, or impose a
 12 condition on a commission as notary public for any act or omission that
 13 demonstrates the individual lacks the honesty, integrity, competence, or reliability
 14 to act as a notary public, including:

15 (a) Failure to comply with Sections 1 to 31 of this Act;

16 (b) A fraudulent, dishonest, or deceitful misstatement or omission in the
 17 application for a commission as a notary public submitted to the Secretary
 18 of State;

19 (c) A conviction of the applicant or notary public of any felony or a crime
 20 involving fraud, dishonesty, or deceit;

21 (d) A finding against, or admission of liability by, the applicant or notary public
 22 in any legal proceeding or disciplinary action based on the applicant's or
 23 notary public's fraud, dishonesty, or deceit;

24 (e) Failure by the notary public to discharge any duty required of a notary
 25 public, whether by Sections 1 to 31 of this Act, administrative regulations
 26 promulgated by the Secretary of State, or any federal or state law;

27 (f) Use of false or misleading advertising or representation by the notary public

- 1 representing that the notary has a duty, right, or privilege that the notary
 2 does not have;
 3 (g) Violation by the notary public of an administrative regulation of the
 4 Secretary of State regarding a notary public;
 5 (h) Denial, refusal to renew, revocation, or suspension of a notary public
 6 commission in another state; or
 7 (i) Failure of the notary public to maintain an assurance.
 8 (2) The authority of the Secretary of State to deny, refuse to renew, suspend, revoke,
 9 or impose conditions on a commission as a notary public does not prevent a
 10 person from seeking and obtaining other criminal or civil remedies provided by
 11 law.

12 ➔SECTION 21. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 13 READ AS FOLLOWS:

- 14 (1) The Secretary of State shall maintain an electronic database of notaries public:
 15 (a) Through which a person may verify the authority of a notary public to
 16 perform notarial acts; and
 17 (b) Which indicates whether a notary public has registered with the Secretary
 18 of State in order to perform notarial acts on electronic records or to act as
 19 an online notary public.
 20 (2) Each county clerk who files a notary public's assurance and administers the oath
 21 of office to a notary public shall promptly record the fact and date in the database
 22 described in subsection (1) of this section.

23 ➔SECTION 22. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 24 READ AS FOLLOWS:

- 25 (1) A commission as a notary public does not authorize an individual to engage in
 26 the practice of law.
 27 (2) A notary public may not engage in false or deceptive advertising.

1 (3) A notary public, other than an attorney licensed to practice law in this state, may
 2 not advertise or represent that the notary public may assist persons in drafting
 3 legal records, give legal advice, or otherwise practice law.

4 (4) Except as otherwise allowed by law, a notary public may not withhold access to or
 5 possession of an original record provided by a person that seeks performance of a
 6 notarial act by the notary public.

7 ➔SECTION 23. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 8 READ AS FOLLOWS:

9 Except as otherwise provided in subsection (4) of Section 3 of this Act, the failure of a
 10 notarial officer to perform a duty or meet a requirement specified in Sections 1 to 31 of
 11 this Act does not invalidate a notarial act performed by the notarial officer. The validity
 12 of a notarial act does not prevent an aggrieved person from seeking to invalidate the
 13 record or transaction that is the subject of the notarial act or from seeking other
 14 remedies based on other law of this state. This section does not validate a purported
 15 notarial act performed by an individual who does not have the authority to perform
 16 notarial acts.

17 ➔SECTION 24. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 18 READ AS FOLLOWS:

19 The Secretary of State may promulgate administrative regulations to implement
 20 Sections 1 to 31 of this Act. Promulgated administrative regulations regarding the
 21 performance of notarial acts with respect to electronic records or online notarizations
 22 may not require, or accord greater legal status or effect to, the implementation or
 23 application of a specific technology or technical specification. The administrative
 24 regulations may:

25 (1) Prescribe the manner of performing notarial acts regarding tangible and
 26 electronic records;

27 (2) Establish requirements for notarial training or education as a condition of

- 1 obtaining or renewing a commission or before registering to perform notarial
 2 acts with respect to electronic records or to perform online notarizations;
 3 (3) Include provisions to ensure that any change to or tampering with a record
 4 bearing a certificate of a notarial act is self-evident;
 5 (4) Include provisions to ensure integrity in the creation, transmittal, storage, or
 6 authentication of electronic records or signatures;
 7 (5) Prescribe the process of granting, renewing, conditioning, denying, suspending,
 8 or revoking a notary public commission and assuring the trustworthiness of an
 9 individual holding a commission as notary public;
 10 (6) Include provisions to prevent fraud or mistake in the performance of notarial
 11 acts; and
 12 (7) Establish the process for approving and accepting surety bonds and other forms
 13 of assurance under Section 19 of this Act.

14 ➔SECTION 25. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 15 READ AS FOLLOWS:

- 16 (1) A commission as a notary public in effect on the effective date of this Act shall
 17 continue until its date of expiration. A notary public who applies to renew a
 18 commission as a notary public on or after the effective date of this Act shall be
 19 subject to and comply with Sections 1 to 31 of this Act. A notary public, in
 20 performing notarial acts after the effective date of this Act, shall comply with
 21 Sections 1 to 31 of this Act.
 22 (2) An existing commission as a notary public does not constitute authority to act as
 23 an online notary public. Registration pursuant to Section 19 of this Act, and
 24 compliance with Sections 1 to 31 of this Act, is required before a notary public
 25 with an existing commission may act as an online notary public.

26 ➔SECTION 26. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 27 READ AS FOLLOWS:

1 Sections 1 to 31 of this Act do not affect the validity or effect of a notarial act
2 performed before the effective date of this Act.

3 ➔SECTION 27. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) For a notarial act relating to a tangible or electronic record, or for an online
6 notarization, a notary public may charge a fee:

7 (a) In compliance with KRS 64.300; and

8 (b) Which has been clearly disclosed to the person requesting the service in
9 advance.

10 (2) Compensation for services provided by a notary public which do not constitute
11 notarial acts is not governed by this section.

12 (3) The Secretary of State may charge the following fees in relation to notaries
13 public:

14 (a) Application for a commission or renewal as a notary public.....\$10

15 (b) Issuance of a replacement commission upon loss or destruction of the
16 original.....\$10

17 (c) Update to commission or registration information upon a change of name
18 or address or other specified information.....\$10

19 (d) Issuance of an electronic certificate of authority or
20 Apostille.....\$5 per document.

21 (4) In accordance with Section 35 of this Act, county clerks may assess fees for
22 services required to fulfill obligations set forth in Sections 1 to 31 of this Act.

23 ➔SECTION 28. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) If an electronic record or paper printout of an electronic record relating to real
26 property located in this state contains an acknowledgement performed by
27 electronic means, notwithstanding any omission or error in the certificate of

1 acknowledgement or failure of the record to show an acknowledgement in
2 compliance with applicable law, upon the record being recorded with the county
3 clerk of the county in which the real property is located or filed with the Secretary
4 of State:

5 (a) The electronic record or paper printout of an electronic record shall be
6 deemed to be lawfully recorded or filed; and

7 (b) All persons, including without limitation any creditor, encumbrancer,
8 mortgagee, subsequent purchaser for valuable consideration, or any other
9 subsequent transferee thereof or of any interest therein, are deemed to have
10 notice of its contents.

11 (2) For the purposes of this section, a record is deemed to comply with all applicable
12 requirements upon the acceptance for recording by the county clerk of the county
13 in which the real property is located or the filing of the record with the Secretary
14 of State, as required by law.

15 ➔SECTION 29. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
16 READ AS FOLLOWS:

17 (1) A writing or record that appears on its face to have been properly notarized in
18 accordance with Sections 1 to 31 of this Act shall be presumed to have been
19 notarized properly and may be recorded by the clerk.

20 (2) A writing or record notarized outside this state by a notary public or other person
21 referenced in Section 10 or 11 of this Act that appears on its face to be properly
22 notarized shall be presumed to have been notarized properly in accordance with
23 the laws and regulations of the jurisdiction in which the document was notarized.

24 (3) The county clerk shall be immune from suit arising from any acts or omissions
25 relating to recording records that have been notarized by electronic means as set
26 forth in Sections 1 to 31 of this Act unless the clerk was grossly negligent or
27 engaged in willful misconduct.

1 ➔SECTION 30. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
2 READ AS FOLLOWS:

3 *(1) Sections 1 to 31 of this Act are to be construed and applied in a manner*
4 *consistent with KRS 369.101 to 369.120. In accordance with KRS 369.105,*
5 *nothing in Sections 1 to 31 of this Act shall affirmatively require any person to*
6 *create, generate, send, communicate, receive, store, or otherwise process or use*
7 *electronic records or complete a transaction using electronic means, and in*
8 *accordance with KRS 369.118, nothing shall require any governmental agency to*
9 *send and accept electronic records and electronic signatures to and from other*
10 *persons, or to otherwise create, generate, communicate, store, process, use, and*
11 *rely upon electronic records and electronic signatures, except as may be*
12 *otherwise required by law.*

13 *(2) A requirement that a record or a signature associated with a record be notarized,*
14 *acknowledged, verified, witnessed, or made under oath is satisfied by a paper*
15 *printout of an electronic record bearing an electronic signature of the person*
16 *authorized to perform that act and all other information required to be included*
17 *pursuant to KRS 369.111.*

18 *(3) In accordance with KRS 369.118, a governmental agency that accepts paper*
19 *printouts of electronic records may establish rules, procedures, or requirements*
20 *governing this acceptance.*

21 ➔SECTION 31. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
22 READ AS FOLLOWS:

23 *(1) With respect only to notarial acts performed in relation to tangible records, the*
24 *county clerk of a county in whose office any notary public has so filed his*
25 *signature and surety bond shall when requested subjoin to any certificate of proof*
26 *or acknowledgement signed by the notary a certificate under his or her hand and*
27 *seal stating that such notary public's written signature is on file in the clerk's*

1 office, and was at the time of taking such proof or acknowledgement duly
 2 authorized to take the same, that the clerk is well acquainted with the
 3 handwriting of the notary public, and believes that the signature to the proof or
 4 acknowledgement is genuine.

5 (2) For all notarial acts performed in relation to electronic records that are
 6 transmitted to another state or nation, electronic evidence of the authenticity of
 7 the official signature and seal of a notary public of this state, if required, shall be
 8 attached to, or logically associated with, the record and shall be in the form of an
 9 electronic certificate of authority signed by the Office of the Secretary of State in
 10 conformance with any current and pertinent international treaties, agreements,
 11 and conventions subscribed to by the United States.

12 (3) An electronic certificate of authority evidences the authenticity of the official
 13 signature and seal of an online notary public of this state shall contain
 14 substantially the following:

15 "Certificate of Authority for a Notarial Act

16 I, (name), Secretary of State of the Commonwealth of Kentucky, certify that
 17 (name of electronic notary), the person named as a Notary Public in the attached or
 18 associated electronic document, was indeed commissioned as a Notary Public for the
 19 Commonwealth of Kentucky and authorized to act as such at the time of the
 20 document's electronic notarization.

21 To verify this Certificate of Authority for a Notarial Act, I have included herewith
 22 my electronic signature this _____ day of _____, (year).

23 (Electronic signature and seal of the Kentucky Secretary of State)"

24 ➔SECTION 32. A NEW SECTION OF KRS CHAPTER 423 IS CREATED TO
 25 READ AS FOLLOWS:

26 In the event of a conflict between the provisions of this chapter and any other law in
 27 this state, the provisions of this chapter shall control.

1 ➔Section 33. KRS 423.200 is amended to read as follows:

2 Notwithstanding any other provision of law, any certificate of an acknowledgment given
3 and certified as provided by Sections 1 to 31 of this Act~~[KRS 423.110 to 423.190]~~ or as
4 provided by those sections and other provisions of law, together with the instrument
5 acknowledged, may be admitted to the public record provided for the type of instrument
6 so acknowledged, and any instrument required to be sworn to or affirmed in order to be
7 recorded may be admitted to record upon a jurat recognized under the provisions of
8 Sections 1 to 31 of this Act~~[KRS 423.110 to 423.190]~~.

9 ➔Section 34. KRS 62.065 is amended to read as follows:

10 Individual sureties on bonds required by law to be executed and given by an officer of any
11 city or county as provided in subsection (1) of KRS 62.060, may~~[shall not]~~ become surety
12 on more than one (1) bond of any such officer at the same time.~~[The limitations on~~
13 ~~individuals making bonds shall not apply to corporate sureties.]~~

14 ➔Section 35. KRS 64.012 is amended to read as follows:

15 The county clerk shall receive for the following services the following fees:

- 16 (1) (a) Recording and indexing of a:
- 17 1. Deed of trust or assignment for the benefit of creditors;
 - 18 2. Deed;
 - 19 3. Real estate mortgage;
 - 20 4. Deed of assignment;
 - 21 5. Real estate option;
 - 22 6. Power of attorney;
 - 23 7. Revocation of power of attorney;
 - 24 8. Lease which is recordable by law;
 - 25 9. Deed of release of a mortgage or lien under KRS 382.360;
 - 26 10. United States lien;
 - 27 11. Release of a United States lien;

- 1 12. Release of any recorded encumbrance other than state liens;
- 2 13. Lis pendens notice concerning proceedings in bankruptcy;
- 3 14. Lis pendens notice;
- 4 15. Mechanic's and artisan's lien under KRS Chapter 376;
- 5 16. Assumed name;
- 6 17. Notice of lien issued by the Internal Revenue Service;
- 7 18. Notice of lien discharge issued by the Internal Revenue Service;
- 8 19. Original, assignment, amendment, or continuation financing statement;
- 9 20. Making a record for the establishment of a city, recording the plan or
- 10 plat thereof, and all other service incident;
- 11 21. Survey of a city, or any part thereof, or any addition to or extensions of
- 12 the boundary of a city;
- 13 22. Recording with statutory authority for which no specific fee is set,
- 14 except a military discharge; and
- 15 23. Filing with statutory authority for which no specific fee is set.

16 For all items in this subsection if the entire thereof does not exceed
 17 three (3) pages\$12.00

18 And, for all items in this subsection exceeding three (3) pages,
 19 for each additional page\$3.00

20 And, for all items in this subsection for each additional reference
 21 relating to same instrument\$4.00

22 (b) The twelve dollar (\$12) fee imposed by paragraph (a) of this subsection shall
 23 be divided as follows:

- 24 1. Six dollars (\$6) shall be retained by the county clerk; and
- 25 2. Six dollars (\$6) shall be paid to the affordable housing trust fund
- 26 established in KRS 198A.710 and shall be remitted by the county clerk
- 27 within ten (10) days following the end of the quarter in which the fee

1 was received. Each remittance to the affordable housing trust fund shall
 2 be accompanied by a summary report on a form prescribed by the
 3 Kentucky Housing Corporation.

- 4 (2) Recording and indexing a file-stamped copy of documents set forth in KRS 14A.2-
 5 040(1) or (2) that have been filed first with the Secretary of State:
 6 (a) The entire record thereof does not exceed three (3) pages\$10.00
 7 (b) And, exceeding three (3) pages, for each additional page\$3.00
- 8 (3) Recording wills or other probate documents pursuant to KRS
 9 Chapter 392 or 394\$ 8.00
- 10 (4) Recording court ordered name changes pursuant to KRS Chapter 401\$ 8.00
- 11 (5) For noting a security interest on a certificate of title pursuant to
 12 KRS Chapter 186A\$12.00
- 13 (6) For filing the release of collateral under a financing statement
 14 and noting same upon the face of the title pursuant to KRS Chapter
 15 186 or 186A\$5.00
- 16 (7) Filing or recording state tax or other state liens\$5.00
- 17 (8) Filing release of a state tax or other state lien\$5.00
- 18 (9) Marginal release, noting release of any lien, mortgage, or redemption
 19 other than a deed of release\$8.00
- 20 (10) Acknowledging or notarizing any deed, mortgage, power of attorney,
 21 or other written instrument required by law for recording and certifying
 22 same\$4.00
- 23 (11) Recording a land use restriction according to KRS 100.3681\$15.00
- 24 (12) Recording plats, maps, and surveys, not exceeding 24 inches by
 25 36 inches, per page\$20.00
- 26 (13) Recording a bond, for each bond *or filing an updated commission pursuant to*
 27 *Section 19 of this Act*\$10.00

1	(14) Each bond required to be taken or prepared by the clerk	\$4.00
2	(15) Copy of any bond when ordered	\$3.00
3	(16) Administering an oath and certificate thereof	\$5.00
4	(17) Issuing a license for which no other fee is fixed by law	\$8.00
5	(18) Issuing a solicitor's license	\$15.00
6	(19) Marriage license, indexing, recording, and issuing certificate thereof	\$24.00
7	(20) Every order concerning the establishment, changing, closing, or	
8	discontinuing of roads, to be paid out of the county levy when	
9	the road is established, changed, closed, or discontinued, and by	
10	the applicant when it is not	\$3.00
11	(21) Registration of licenses for professional persons required to register	
12	with the county clerk	\$10.00
13	(22) Certified copy of any record	\$5.00
14	Plus fifty cents (\$.50) per page after three (3) pages	
15	(23) Filing certification required by KRS 65.070(2)(a)	\$5.00
16	(24) Filing notification and declaration and petition of candidates	
17	for Commonwealth's attorney	\$200.00
18	(25) Filing notification and declaration and petition of candidates for county	
19	and independent boards of education	\$20.00
20	(26) Filing notification and declaration and petition of candidates for	
21	boards of soil and water conservation districts	\$20.00
22	(27) Filing notification and declaration and petition of candidates for	
23	other office	\$50.00
24	(28) Filing declaration of intent to be a write-in candidate for office	\$50.00
25	(29) Filing petitions for elections, other than nominating petitions	\$50.00
26	(30) Notarizing any signature, per signature	\$2.00
27	(31) Filing bond for receiving bodies under KRS 311.310	\$10.00

- 1 (32) Noting the assignment of a certificate of delinquency and recording
- 2 and indexing the encumbrance under KRS 134.126 or 134.127\$27.00
- 3 (33) Filing a going-out-of-business permit under KRS 365.445\$50.00
- 4 (34) Filing a renewal of a going-out-of-business permit under KRS 365.445\$50.00
- 5 (35) Filing a grain warehouseman's license under KRS 359.050\$10.00
- 6 (36) Filing and processing a transient merchant permit under KRS 365.680\$25.00

7 ➔Section 36. The following KRS sections are repealed:

- 8 423.010 Appointment, term, and qualifications of notaries -- County clerk has powers of
- 9 notary when acting in capacity as clerk.
- 10 423.020 Notary may act in any county -- Certification of notary's authority.
- 11 423.030 Protests to be recorded -- Copies as evidence.
- 12 423.040 Notice of dishonor -- To whom sent.
- 13 423.050 Records of notary to be delivered to county clerk, when.
- 14 423.060 Foreign notary -- When protest by is evidence.
- 15 423.070 Commissioners of foreign deeds -- Appointment, term.
- 16 423.080 Powers of commissioners.
- 17 423.990 Penalties.

18 ➔Section 37. The Legislative Research Commission shall create a Task Force on

19 Electronic Recording to study the process of electronic recording of documents in

20 Kentucky. The task force shall comprehensively investigate the recording process in the

21 Commonwealth to identify policy options to streamline the process of recording

22 documents by electronic means to increase efficiency, reduce costs, and decrease

23 paperwork and redundancy. The task force shall meet at least four times during the 2018

24 interim and shall submit its findings and recommendations to the Legislative Research

25 Commission no later than December 1, 2018. The task force shall be composed of the

26 following members, with final membership subject to the consideration and approval of

27 the Legislative Research Commission:

- 1 (1) Two members of the House of Representatives, appointed by the Speaker of the
2 House of Representatives, one of whom shall be designated by the Speaker to serve
3 as co-chair;
- 4 (2) Two members of the Senate, appointed by the President of the Senate, one of whom
5 shall be designated by the President to serve as co-chair;
- 6 (3) Two county clerks selected from a list of three individuals submitted by the
7 Kentucky County Clerk's Association, one to be appointed by the Speaker of the
8 House of Representatives and one to be appointed by the President of the Senate;
- 9 (4) Two attorneys selected from a list of three attorneys of the Real Estate Section of
10 the Kentucky Bar Association submitted by the Kentucky Bar Association, one to
11 be appointed by the Speaker of the House of Representatives and one to be
12 appointed by the President of the Senate;
- 13 (5) Two representatives of the banking industry selected from a list of three individuals
14 submitted by the Kentucky Bankers Association, one to be appointed by the Speaker
15 of the House of Representatives and one to be appointed by the President of the
16 Senate;
- 17 (6) Two representatives of the land title industry selected from a list of three
18 individuals submitted by the Kentucky Land Title Association, one to be appointed
19 by the Speaker of the House of Representatives and one to be appointed by the
20 President of the Senate;
- 21 (7) One representative from the Secretary of State's office;
- 22 (8) Two representatives from either e-recording or e-notary companies, one to be
23 appointed by the Speaker of the House of Representatives and one to be appointed
24 by the President of the Senate; and
- 25 (9) One representative from the Kentucky Realtors.

26 Provisions of this section to the contrary notwithstanding, the Legislative Research
27 Commission shall have the authority to alternatively assign the issues identified herein to

1 an interim joint committee or subcommittee thereof, and to designate a study completion
2 date.

3 ➔Section 38. Section 37 of this Act shall have the same legal status as a House
4 Concurrent Resolution.

5 ➔Section 39. Sections 1 to 36 of this Act take effect January 1, 2019.